

Docket No.: 4590-503

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
	:	
Christophe TAURAND	:	Confirmation No. 5497
	:	
U.S. Patent Application No. 10/573,785	:	Group Art Unit: 2838
	:	
Filed: March 28, 2006	:	Examiner: Tran, Nguyen

For: SYSTEM FOR EQUILIBRATING AN ENERGY STORAGE DEVICE

AMENDMENT AND RESPONSE UNDER 35 USC 121

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated May 28, 2008. Please amend the above-identified application as follows.

ELECTION/RESTRICTION

Applicants presume, for the sake of response, that the Office Action is an election of species. However, the election requirement is untenable for the following reasons:

First, the office action is based on cancelled claims. This action is therefore immediately rendered untenable in that claim 1-9 claims have been cancelled and replaced with claims 10 to 22 in a preliminary amendment filed on March 28, 2006.

Second, the election appears to be based on species – however the species are confusingly listed as inventions.

In view of the claims as amended and published, the election of species should apparently read as follows :

I : claims 10, 11, 14, 17, 20

II : claims 12, 15, 18, 21

III claims 13, 16, 19, 22.

For the sake of response, Applicant provisionally **elects the species I without traverse**.

Now, while this response is made without traverse, in addition to the tenability destroying errors noted above, the following issues are brought to the attention of the PTO.

Re Inventions (species ??) I, II, III

Inventions (species ??) I (claim 10) , II (claim 12), III (claim 13) relate to the same invention, which is directed to equilibrate the energy in an energy storage device comprising a set of storage cells, by use of charge transfer modules arranged so that each cell is connected through a module to each one of the n-1 other cells.

Invention (species ??) I relates to an embodiment which make use of $n(n-1)/2$ modules to achieve that.

Inventions (species ??) II and III relate to an embodiment which make use of fewer modules by application of a reduction in base 2 mechanism.

Thus inventions (species ??) I, II, III have no mutually exclusive “characteristics” as purported. They do not require different field of search, any prior art would be prior art for each one, and they are not likely to raise different non prior-art issues.

Re Inventions (species??) II and III :

Inventions II and III clearly concerns the same invention, where the number of modules required to pair a storage element with each one of the n-1 other storage elements reduced to n-1, by use of a reduction to base 2, as explained in the specification, see page 9 first lines.

The main difference between claim 12 and claim 13, stand in the number n of cells : in claim 12

n is a power of two, while it is not in claim 13. This difference is not such that claims 12 and 13 can be considered as "mutually exclusive characteristics". Indeed, when n is not a power of two, the system is built, by using x virtual cells to make a structure as in claim 12. Indeed, the both implementations are initially explained on the basis of the same figure, figure 5 : in the first case (claim 12) cell C8 is a real cell, and in the second case (claim 13) the cell C8 is a virtual cell. see for instance published specification [0054] - [0057].